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14. ABSTRACT Intelligence is critical to resolving the competing interests of security and prosperity and is the basis for a risk management approach to security. This essay looks at intelligence and how to employ it to help minimize the risk of a maritime terrorism and how the resources of the intelligence community contribute to reducing the force to space ratio. Integration of law enforcement and intelligence is fundamental to the success of homeland security. Terrorism does not recognize borders, but the U.S. division of responsibilities has created a seam in our defenses. Some aspects of globalization have resulted in blurring of traditional intelligence and law enforcement roles, but some additional fundamental changes are required. The Navy/Coast Guard counter-narcotics mission demonstrates a practical solution to joint military-law enforcement operations. The USA Patriot Act has facilitated greater sharing of law enforcement and intelligence information. Command and control plays an important part in properly using intelligence. The new Terrorist Threat Integration Center has been created at the strategic level; the Joint Interagency Task Force provides an excellent framework at the operational and tactical level. The Coast Guard has developed the Maritime Domain Awareness (MDA) concept to reconcile security and prosperity issues in the maritime environment. MDA begins overseas. Foreign intelligence operations, regional security cooperation, and leveraging regional relationships are critical to the doctrine of pre-emption and successful maritime homeland defense.					
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NAVAL WAR COLLEGE
Newport, R.I.

INTELLIGENCE SUPPORT TO MARITIME HOMELAND DEFENSE

by

Brian D. Nicholson
Commander, United States Navy

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature:

16 May 2003

Abstract

INTELLIGENCE SUPPORT TO MARITIME HOMELAND DEFENSE

Intelligence is critical to resolving the competing interests of security and prosperity and is the basis for a risk management approach to security. This essay looks at intelligence and how it is or might be employed to help minimize the risk of a maritime terrorism and how the resources of the intelligence community contribute to reducing the force to space ratio. Integration of law enforcement and intelligence is fundamental to the success of homeland security. Terrorism does not recognize borders, but the U.S. division of responsibilities has created a seam in our defenses. Some aspects of globalization have resulted in blurring of traditional intelligence and law enforcement roles, but some additional fundamental changes are required. The Navy/Coast Guard counter-narcotics mission demonstrates a practical solution to joint military-law enforcement operations. The USA Patriot Act has facilitated greater sharing of law enforcement and intelligence information.

Command and control plays an important part in properly using intelligence. The new Terrorist Threat Integration Center has been created at the strategic level; the Joint Interagency Task Force provides an excellent framework at the operational and tactical level. The Coast Guard has developed the Maritime Domain Awareness (MDA) concept to reconcile security and prosperity issues in the maritime environment. MDA begins overseas. Foreign intelligence operations, regional security cooperation, and leveraging regional relationships are critical to the doctrine of pre-emption and successful maritime homeland defense.

Table of Contents

Title Page	i
Abstract	ii
Table of Contents	iii
Introduction	1
Law Enforcement and Intelligence	3
Naval Criminal Investigative Service	6
Command and Control	7
Joint Interagency Task Force	8
U.S. Northern Command	9
Maritime Domain Awareness	10
The Away Game	14
Conclusion	17
Recommendations	18
Bibliography	21
Appendix A: Maritime Domain Awareness Initiatives	26
Appendix B: Maritime Intelligence Support: War on Terror & Homeland Security	27

As we create this new Department of Homeland Security, one of our priorities clearly has to be to address what was the single biggest security shortcoming of our government before September 11, and that was the way in which our government coordinated, or failed to coordinate, intelligence.¹

Introduction

Given the forces (military and law enforcement), technology, and other resources available today, providing absolute security of our maritime borders is not possible; if it were, we are unlikely to accept the costs or burden to our economy and to our standard of living that would surely result. In protecting the homeland, we must reconcile the competing interests of security and prosperity. This is especially true in our ports and waterways. Intelligence and information are critical to resolving these competing interests and are the basis for a risk management approach to security.

The U.S. has more than 360 ports, 95,000 miles of shoreline and 3.5 million square miles of Exclusive Economic Zone (EEZ). These ports receive over 7,500 foreign-flag ships carrying 6 million containers and some 200,000 sailors each year. Over 95 percent of our commerce arrives and departs through our seaports.² Facilities, equipment and security are designed to provide maximum economic throughput. The primacy of the economic engine demands that shipping be inspected with minimum delay. The U.S. Coast Guard, lead agency for Maritime Homeland Security, must provide security and perform its many other important missions (safety, rescue, training) with a service smaller than the New York City Police Department.³ The U.S. Navy stands ready to support the Coast Guard in this mission,

¹Senator Joseph Lieberman's opening statement before a hearing of the Senate Committee on Governmental Affairs: Congress, Senate, Committee on Governmental Affairs, *A Review of the Relationship Between a Department of Homeland Security and the Intelligence Community: Hearing before the Committee on Governmental Affairs*, 107th Cong., 2nd sess., 26-27 June, 2002, 1.

²James M. Loy, "The Role of the Coast Guard in Homeland Security," Lecture, The Heritage Foundation, December 17, 2001, 4.

³Emily Hsu, "Coast Guard Needs Resources to Expand Manpower, Intelligence Role," February 6, 2002, InsideDefense.com, 1.

but Navy force structure is not optimized for the littorals and is primarily expeditionary forces available.⁴ The Navy's most significant contributions to date include 13 coastal patrol craft and the assignment of over 300 Sailors at the National Maritime Intelligence Center (NMIC), which monitors worldwide maritime traffic, to support Coast Guard in the maritime homeland security mission.⁵ This later contribution of intelligence support is most significant because "[t]he United States will become increasingly vulnerable to hostile attack on the American homeland, and U.S. military superiority will not entirely protect us..."⁶

Intelligence is critical to the homeland security mission and many observers believe that better intelligence is crucial to preventing future terrorist attacks.⁷ The success of the Maritime Homeland Security mission depends on a great many things, but effectively reducing the risk of a breach given force constraints and a huge maritime environment can best be achieved through proper use of intelligence. This essay looks at intelligence and how it is or might be employed to help minimize the risk of maritime terrorism and how the resources of the intelligence community contribute to reducing the force to space ratio. Is intelligence prepared to support Maritime Homeland Security operations?

⁴As of May 2003, over 54% of all USN ships and aircraft are deployed; over 75% are underway. The Navy's expeditionary mission is a key element of US national power, foreign policy, and the Navy is heavily engaged in the global war on terrorism on the other side of the globe. See Away Game section below.

⁵Adm. Clark, Chief of Naval Operations called Adm. Loy, Commandant of the Coast Guard on 9/11/01 and told him that although it is traditional for the Coast Guard to support Navy in time of war, things would be different in the war on terror. "This is different," Clark told Loy, "Tell me what you need." Quoted in Otto Kreisher, "Mineta: Maritime Security a 'High Priority' Balancing the Benefits of Ocean Transport Against the Risk of Terrorist Attacks," *Sea Power*, 45(May 2002), 47.

⁶U.S. Commission on National Security/21st Century, *Road Map for National Security Imperative for Change, The Phase III Report*, February 15, 2001, 2. Hereafter referred to as Hart-Rudman.

⁷Steven J. Tomisek, "Homeland Security: The New Role for Defense," *Strategic Forum*, National Defense University, February 2002, 5 and Richard A. Best, Jr., *Homeland Security: Intelligence Support*, (Washington, DC: Congressional Research Service, August 7, 2002), 2.

Intelligence and Law Enforcement

Our greatest threat to homeland security is terrorism brought about by radical Islam; by its very nature this threat requires the efforts and assets of both the law enforcement and intelligence community. Collaboration and integration of law enforcement and the intelligence is crucial to a successful homeland security effort. Do we treat terrorism as a crime, or as war?

While many argue the U.S. Intelligence Community (IC)⁸ does not operate with unity of effort of its own (certainly at the strategic level), few would dispute that better information sharing and coordination is crucial to successfully fighting the war on terror and preventing future attacks. The U.S. intentionally separates responsibilities for prosecuting criminals and prosecuting wars. The distinction between crime and war is embodied in both international and domestic legal regimes. U.S. agencies responsible for domestic crime and intelligence and those responsible for war and other extraterritorial endeavors are mostly separate. They have different cultures, different pursuits, and as a result have not always worked well together. The relationship between law enforcement and the IC is often dysfunctional and antagonistic.⁹

Fortunately, the news is not all bad. The end of the Cold War and a reduction in the Russian nuclear threat have allowed the IC to shift many of its resources to other threats to national security such as proliferation and weapons transfers, drug trafficking, and terrorism. These issues are also law enforcement concerns.¹⁰ Globalization and the related crimes that are international in nature (money laundering, for example) has also forced the FBI to

⁸The US Intelligence Community (IC) is composed of 14 agencies.

⁹Congress, House, Permanent Select Committee on Intelligence, *IC21: The Intelligence Community in the 21st Century*, Staff Study, 104th Cong., 2nd sess., 1996., p.1. Hereafter referred to as *IC21*.

¹⁰*IC21*, p.2

operate beyond our borders more than ever before. The result has been a blurring of traditional intelligence and law enforcement roles. Even prior to terrorist attacks of September 11th, the support role of intelligence to law enforcement had increased significantly. The enlarged support of intelligence reflected the increased role of criminal law in counterterrorism and the fact that much of the information about terrorists lay overseas where foreign intelligence collection agencies operate.¹¹

The IC is legally barred from directly participating in law enforcement, but Executive Order 12333 allows the IC to provide support and assistance not precluded by law. Just as the U.S. has done in counter-narcotics with U.S. Coast Guard Legal Detachments and U.S. Navy ships, intelligence support to counterterrorism can include almost every step short of making the physical arrest.¹² The joint Navy-Coast Guard counter-narcotics mission exhibits a practical solution to conducting joint military-law enforcement operations within the limitations of the Posse Comitatus Act (PCA). From the standpoint of using the military, or military intelligence in this context, PCA does not appear to present particular difficulties.¹³ Also, by making the Coast Guard a statutory member of the IC, the U.S. has created an agency which has both a foreign intelligence and domestic law enforcement mandate.¹⁴

The “War on Terrorism,” creates a new challenge to the intelligence-law enforcement relationship: one in which terrorism is treated like war and the terrorist is dealt with under the

¹¹Paul R. Pillar, *Terrorism and U.S. Foreign Policy* (Washington, DC: Brookings Institution 2001), 116-18. Also see *IC21*, pp. 13-15.

¹²Regan K. Smith, "Homeland Security: An Intelligence Oversight Perspective." *Military Intelligence Professional Bulletin*, 28(July-September 2002): 5.

¹³David G. Bolgiano, "Military Support of Domestic Law Enforcement Operations: Working within Posse Comitatus," *FBI Law Enforcement Bulletin*, 2001, pp.16-24 and Paul S. Stevens, *U.S. Armed Forces and Homeland Defense: The Legal Framework*, CSIS, 2001, 3.

¹⁴On December 28, 2001, the President Bush signed legislation that amended the National Security Act of 1947, making Coast Guard Intelligence a member of the Intelligence Community.

Law of Armed Conflict (LOAC). President Bush's doctrine of pre-emption¹⁵ essentially adopts an Israeli model where terrorism, a focus of their homeland security issue for decades, cannot be effectively dealt with when treated only as criminal behavior. The Israeli government has created a regime in which terrorists are treated as criminals when no immediate danger exists. However, if intelligence indicates an attack is imminent and arrest is not practical, then the Israeli Defense Force will preempt the attack under the LOAC.

In this paradigm, the law enforcement and intelligence relationship is much more of a two way street. In the U.S., the major obstacles to cooperation between law enforcement and intelligence are their respective cultures, modes of operation, sources of information, and law (oversight structures).¹⁶ These obstacles make the flow of information difficult. Integrity of a criminal case, evidentiary law, and rules of confidentiality must sometimes become subordinate to the identification of a threat and prevention of future terrorist attacks. Terrorism does not recognize borders like U.S. law enforcement and the intelligence agencies do. The division of responsibilities has created a seam in our defenses. Now that the theater of operations has shifted to the homeland, changes are required to ensure unity of command with regard to intelligence and information of all types and from all sources.¹⁷ The seam can be remedied through the close, currently ad hoc, cooperation and coordination of law enforcement and intelligence agencies which has occurred since September 11th. Longer term solutions must include the formal changes to both organization, cultural, and some U.S. law to ensure the seam does not grow or shift to another place in the bureaucracy.¹⁸ The

¹⁵George W. Bush, *The National Security Strategy of the United States of America*, (Washington, DC: September 2002), 6. Hereafter referred to as *NSS*.

¹⁶Richard A. Best, *Intelligence and Law Enforcement: Countering Transnational Threats to the U.S.*, (Washington, DC: Congressional Research Service, December 3, 2001), 15.

¹⁷Kathryn Coffman, "Posse Comitatus and Unity of Command," *National Guard*, 56(January 2002), 32.

¹⁸The civil liberties debate as a result of a closer intelligence community and law enforcement relationship continues without much resolution. Robert Turner, associate director of the Center for National Security law at

USA Patriot Act was designed to facilitate the greater sharing of law enforcement information with the Intelligence Community in accordance with Justice Department guidelines.¹⁹ Some additional organizational changes are discussed below.

Naval Criminal Investigative Service. The Naval Criminal Investigative Service (NCIS) is responsible to the Secretary of the Navy for conducting criminal investigations, counterintelligence (CI), and counter-terrorism. NCIS, along with the FBI, traveled to Yemen following the October 12, 2000 attack on USS Cole to work with host nation officials on the investigation into this terrorist act. Because of its mission, NCIS is maritime-oriented, forward deployed, and involved with domestic and foreign law enforcement agencies worldwide. As a result, NCIS special agents are an integral part of the U.S. Navy's war on terror and provide crucial intelligence to operations at home and abroad.

Since September 11th NCIS is working even closer than previously with naval intelligence to support maritime homeland security. NCIS has joined the many law enforcement agencies that have reengineered operations, implementing anticipatory measures designed to counter major threats to maritime security. In April 2002, NCIS stood up the new Multiple Threat Alert Center (MTAC) to replace its Antiterrorism Alert Center that had been operating 24/7 since the late 1980's. The MTAC continues to fuse CI and law enforcement data, but with upgraded personnel and infrastructure it provides additional focus on threats to maritime homeland security. NCIS has also partnered with FBI in Norfolk, VA

the University of Virginia says "There are things done in times of war that have to be done that increase the risk of abuse [of civil liberties]...but..., it's likely to be identified quickly." See Curt Anderson, "Close FBI, CIA Links in New Anti-terror Analysis Center Raises Domestic Spy Fears," *The Associated Press*, January 31, 2003. In recent testimony before the Senate Committee on Governmental Affairs, Governor James S. Gilmore, III recommended that the newly established Terrorist Threat Integration Center (TTIC) at the Department of Homeland Security collect intelligence on international terrorist activities inside the U.S., currently a responsibility of the FBI. See Congress, Senate, Committee on Governmental Affairs, *Homeland Defense: Sharing Information with Local Law Enforcement. Hearing before the Committee on Governmental Affairs*, 108th Cong., 1st sess., February 14, 2003, 2.

to break ground on the latest Law Enforcement Information Sharing Project.²⁰ Both of these initiatives should benefit operational commanders and provide better support to maritime homeland security.

Command and Control

During his State of the Union address on January 28, 2003, President Bush announced the creation of the Terrorist Threat Integration Center (TTIC). According to the *National Strategy for Combating Terrorism*, the objective of the TTIC, developed by the leaders of Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), and Department of Defense (DOD), is to attain domain awareness in a “world that is sharply defined by compression of both time and distance.”²¹ It enables identification of threats as early and as far from our borders as possible to provide maximum warning and time to develop the best course of action. Domain awareness depends upon fusion of intelligence, information, and data from across all agencies. The TTIC has the lead to provide this domain awareness to operational level forces “with a single integrated operating matrix of relevant information within their specific domain of responsibility.”²²

Bringing law enforcement and intelligence together to combat terrorism and support the DHS is a good first step for effective support of operations both at home and overseas and recognizes that success depends on the ability of these agencies to work together.²³

¹⁹Richard A. Best Jr., *Intelligence Issues for Congress*, Congressional Research Service, March 6, 2003, 10.

²⁰Charles T. Coyle, "Naval Criminal Investigative Service is Active in War on Terror" *U.S. Naval Institute Proceedings* (April 2003), 86 & 88.

²¹The White House, *National Strategy for Combating Terrorism*, (Washington, DC: February 2003), 24-27. “Attain domain awareness” is one of five objectives to achieving the NSCT “Goal: Defend U.S. Citizens and Interests at Home and Abroad,” and is the basis for this discussion. Hereafter referred to as NSCT.

²² Ibid, 25.

²³ George W. Bush, "Remarks on Improving Counter-terrorism Intelligence." *Weekly Compilation of Presidential Documents*, February 17, 2003, 204

Despite the objective to support all operating forces—afloat, aloft, and ashore, foreign and domestic—the TTIC is too small and organized at too high a level (national/strategic) to be of direct benefit to operational level commanders. The TTIC’s primary customer is the White House and does not provide a true capability below the strategic level. The TTIC is to serve as a central hub and is not designed to conduct redundant collection and analysis. Existing intelligence agencies and organizations must maintain the more operationally focused domain awareness in their area of responsibility as the TTIC will feed from their production. The first point of fusion should not occur at the strategic level.

Joint Interagency Task Force. In the late 1980’s, Joint Task Forces (JTFs) were established to meet a different threat to homeland security: narcotics trafficking. In 1994 under Presidential Decision Directive 14, these JTFs were designated as Joint Interagency Task Forces (JIATFs). The JIATF is international and interagency and includes representatives from FBI, Defense Intelligence Agency, Drug Enforcement Agency, Customs Service, Coast Guard, and allied militaries conducting and supporting drug operations.²⁴

Since the counter-narcotic mission is a subset of the maritime homeland security mission, the JIATF provides a natural basis for counterterrorism. The JIATF is a proven command and control structure where Coast Guard already plays a leading role. The JIATF fuses the intelligence and operations functions at both the operational and tactical levels and provides the natural operational level counterpart to the TTIC. More important to effectiveness at the operational level, the JIATF structure puts a commander in charge of operations and intelligence who can make decisions and commit operating forces to the problem. Even lawmakers find the JIATF model useful to homeland security. In an

²⁴Joint Interagency Task Force - South. “Fact Sheet,” USSOUTHCOM internet site (November 2001), and Federation of America Scientists, “Joint Interagency Task Force (JIATF) West,” Internet site (April 2002).

amendment to the Homeland Security Act of 2002, the House of Representatives directed the homeland security secretary to operate a Joint Interagency Homeland Security Task Force modeled after the two JIATFs for drug interdiction now operating in Key West and Alameda.²⁵

Admiral Thomas J. Fargo, Commander, U.S. Pacific Command (PACOM), believes that the JIATF provides a model “to promote change and develop new force headquarters constructs of the future. The success of this joint interagency model clearly has application elsewhere.”²⁶ In early 2002, Admiral Fargo used the JIATF structure to form the Joint Interagency Coordination Group for Counterterrorism (JIACG/CT). Not surprisingly, the JIACG/CT combines interagency capabilities into operations to fight terrorism in the Pacific theater. The JIACG/CT is the operational counterpart to the TTIC and is designed to shorten the “intelligence-to-action response time” of the theater counter-terrorism plan. The JIACG/CT combines personnel from the PACOM staff (including the Joint Intelligence Center), CIA, FBI, National Security Agency, Treasury, Defense Threat Reduction Agency, and others.²⁷

U.S. Northern Command. In April 2002, the Secretary of Defense Donald Rumsfeld created U.S. Northern Command to provide unity of command for the department’s homeland security mission and noted that this is the first time that the continental United States will have a Commander.²⁸ Instead of forming a traditional theater JIC, USNORTHCOM opted to create an combined interagency intelligence and fusion center that

²⁵Keith J. Costa, "House Backs Interagency Antiterrorism Task Force for New Agency." *Inside the Pentagon*, August 1, 2002.

²⁶Thomas B. Fargo, "JIATF - West Change of Command," Remarks, Joint Interagency Task Force – West (June 7, 2002), 3.

²⁷Thomas B. Fargo. "Security Transformation and Operationalizing the National Security Strategy," Address to the AFCEA West (USNI) Conference (January 14, 2003), 4.

will rely on federated intelligence support provided by regional and functional unified commands (e.g., U.S. Strategic Command, U.S. Pacific Command, and U.S. European Command), National Maritime Intelligence Center, and DOD's main link to the TTIC, the Defense Intelligence Agency's Joint Intelligence Task Force—Combating Terrorism. According to General Eberhart, Commander, USNORTHCOM, the command's biggest challenge is sifting through volumes of intelligence and operational data from the IC and numerous other government agencies.²⁹ General Eberhart believes that the JIATFs (JTF-6 is USNORTHCOM's interagency JTF for southern border security and counter-narcotics) "...are models for interagency cooperation at the tactical level, that we would do well to emulate at the operational and strategic levels in terms of cooperation, trust, confidence..."³⁰

Maritime Domain Awareness

A 1999 joint Navy-Coast Guard intelligence assessment forecasted a broad range of challenges expected to shape maritime security in the coming years.³¹ For many years, the Office of Naval Intelligence (ONI) and Coast Guard's Intelligence Coordination Center have worked side by side at the National Maritime Intelligence Center (NMIC). The partnership was a natural outgrowth of the joint counter-narcotics mission and focused on the primary maritime threats of the day: proliferation, migration, piracy, environmental, and fisheries. The 1999 study, however, also recognized the challenges of maritime terrorism and terrorist attacks against coastal population centers.³² "Other studies and assessments—by the ONI,

²⁸Michael E. O'Hanlon et al, *Protecting the American Homeland: A Preliminary Analysis* (Washington, DC: Brookings Institution 2002), 120.

²⁹Scott Elliot, "Eberhart Briefs Congress on U.S. Northern Command," Press Release, U.S. Northern Command Homepage (March 14, 2003), 2.

³⁰Congress, House, Committee on Armed Services, *Fiscal Year 2004 Department of Defense Budget Request. Hearing before the Committee on Armed Services*, 108th Cong., 1st sess. (March 13, 2003), 26.

³¹See Office of Naval Intelligence and U.S. Coast Guard Intelligence Coordination Center, *Threats and Challenges to Maritime Security 2020* (Washington, DC: 1999).

³²*Ibid*, II-18 – II-28.

the Hart-Rudman Commission, and the Quadrennial Defense Reviews, to name a few—envisaged global and regional trends greatly increasing the need to protect U.S. maritime sovereignty and borders.”³³ It took the attacks of September 11, however, to bring clarity and resolve to the challenges of maritime homeland security.

Pushing Our Borders Out. In the Fall 2001, the Coast Guard had (1) started to put sea marshals on commercial vessels entering U.S. ports, with special focus on “high-interest” vessels such as those carrying hazardous materials and cruise ships; (2) increased, from 24 to 96 hours, the reporting requirements for advance notice of arrival in U.S. ports of foreign-flag ships; (3) began to inventory critical infrastructure in all major U.S. ports and assess vulnerabilities.³⁴ In December 2001, then Coast Guard Commandant Admiral James Loy talked to the Heritage Foundation about Coast Guard’s homeland security mission. He stated that *awareness* must be added to the “old paradigm of prevention, response, and consequence management [that] failed us on September 11.”³⁵

*Awareness involves recognizing the threats well in advance, and anticipating our vulnerabilities. In the maritime domain, it’s about knowledge of ships, people, and cargo. It has to do with having access to detailed intelligence about our adversaries, and sharing that information more effectively...Maritime Domain Awareness (MDA) is a concept that serves to reconcile the competing interests of security and prosperity in our ports and waterways.*³⁶

While it is not clear whether “domain awareness” was first championed at the strategic or operational level, Admiral Loy’s MDA concept essentially advocates that homeland security be treated like a military campaign complete with the appropriate planning and commander’s estimate process. He talks of evaluating vulnerabilities, knowledge of

³³Thomas H. Collins, “Constancy amid Great Change,” *U.S. Naval Institute Proceedings* (August 2002), 33.

³⁴James D. Hessman, “The Maritime Dimension,” *Sea Power* (April 2002): 30.

³⁵James M. Loy, “The Role of the Coast Guard in Homeland Security,” Lecture, The Heritage Foundation (December 21, 2001), 4.

space (the maritime environment), the threats and the forces, and taking appropriate actions to defend our shores and prevent attacks.

MDA is IPB—Intelligence Preparation of the Battlespace. By putting “awareness” before “prevention” in the maritime security operational concept, Admiral Loy added the missing IPB function to planning and execution process for homeland security in the post-9/11 environment. Coast Guard’s December 2002, *Maritime Strategy for Homeland Security* states: “Operational commanders need MDA to plan and execute operations, as well as maintain situational awareness and to conduct risk-based decision making.”³⁷

MDA is achieved with information and intelligence. Much of the information that fills our databases is that which is “declared” by a vessel or shipping company en route to the U.S. To achieving MDA, this information has three major flaws: it is voluntary and may be disinformation; it is incomplete (cargo transparency is a myth, according to the shipping industry over 80 percent of cargo manifests are incorrect, usual when a company is trying to gain an economic advantage)³⁸; it is only provided by vessels which have declared for the U.S., not any other vessel that may travel as close as 12nm from our shores without knowledge or challenge. Even though full implementation of the operational concept of MDA is years away, Coast Guard’s understanding that intelligence is critical to maritime homeland security is encouraging.

Technology. One of the challenges of achieving awareness is overcoming the problems of space and force – so much territory to cover with inadequate resources. MDA is a tool to help reconcile the competition between homeland security and economic

³⁶Ibid, 5.

³⁷U.S. Coast Guard, *Maritime Strategy for Homeland Security*, (Washington, DC: December 2002), 20-21. Hereafter referred to as *MSHS*.

prosperity. In Admiral Loy's view, MDA is "an umbrella term that more or less encompasses all the information requirements of any and all individuals and agencies who, or which, have any responsibility for homeland security in the maritime field."³⁹ MDA is therefore an inherently a joint, interagency, and combined intelligence effort. But more than that, MDA implies the gathering and processing of huge amounts of data that is collected or "owned" by the many different players in the maritime environment. While MDA is not a technology, like most other modern intelligence enterprises its success depends on technology and data management. Coast Guard faces a huge potential problem in this regard as the type of intelligence organization, processes, and information technology is evolving in parallel. No established architecture or doctrine for the intelligence (MDA) function exists at the Department of Homeland, or elsewhere, for Coast Guard to use. Coast Guard does not currently have sufficient resources (including the technology, although this is not a unique problem) and is just beginning to develop a true intelligence capability. As previously noted, Coast Guard only recently became a statutory member of the IC and hired its first Director of Intelligence and rely on Navy for much of their intelligence.⁴⁰

Coast Guard has an advantage of operating as both a law enforcement and military capacity, but has historically functioned primarily in the law enforcement role. The Coast Guard-Navy team has successfully task-organized in the past, leveraging the unique capabilities of the other service for mission success. Given new mission focus and

³⁸RADM Richard Porterfield, Director of Naval Intelligence, "Naval Intelligence Transformation," Lecture, U.S. Naval War College, Newport, RI: 30 April 2003. Used with permission.

³⁹Hessman, 31.

⁴⁰Greg S. Warren, "Coast Guard Appoints Director of Intelligence," *U.S. Coast Guard News*, January 30, 2002. Coast Guard teamed with ONI after 9/11; created a watch leveraging ONI analysis and over 300 UNSR intelligence specialists. See Richard B. Porterfield, "Naval Intelligence: Yesterday, Today, and Tomorrow," *Sea Power*, 44(December 2001), 38 and Kreisher, 47.

requirements, Coast Guard needs to develop the culture and skills for organic intelligence collection and analysis to exploit the huge amounts of data available.⁴¹

The Away Game

“... [O]ur best defense is a good offense...”⁴²

President Bush’s strategy of preemptive self-defense includes a great deal more than landing our army and Marines on foreign soil. While a major operation like ENDURING FREEDOM is important and necessary steps in defeating terrorism, the use of overwhelming military force will be the exception in a long war against a small number of dispersed non-state actors. The more important aspects over time will be the less glamorous supporting (or main) efforts being fought with the other instruments of national power. U.S. economic power is used to sanction supporters of terror and for freezing or cutting finances. Diplomatic efforts will shape the fight by enlisting support from partners to deny sanctuary to terrorists and enlist cooperation with law enforcement and intelligence gathering. Regardless of the instrument used, success depends on intelligence about the enemy. From a maritime perspective, this intelligence is gathered primarily overseas.

Maritime Strategy for Homeland Security offers this definition for Maritime Domain Awareness: “MDA is comprehensive information, intelligence, and knowledge of all relevant entities within the U.S. Maritime domain—and their respective activities—that could affect America’s security, safety, economy, or environment.”⁴³ But what is the “U.S. Maritime Domain?” Also according to the *Maritime Strategy for Homeland Security*, “[t]he U.S. Maritime Domain encompasses all U.S. ports, inland waterways, harbors, navigable

⁴¹See Appendix A for a list of Coast Guard initiatives to increase Maritime Domain Awareness.

⁴²NSS, 6.

waters, Great Lakes, territorial seas, contiguous waters, customs waters, coastal seas, littoral areas, the U.S. Exclusive Economic Zone, and *oceanic regions of U.S. national interest, as well as the sea-lanes to the United States, U.S. maritime approaches, and the high seas surrounding America* [emphasis added].”⁴⁴ In other words, MDA is conducted in any maritime environment the U.S. determines is in our national interest. Therefore, foreign intelligence is critical to the homeland security mission. In fact, the *National Security Strategy* places an emphasis on “identifying and destroying the threat before it reaches our borders.”⁴⁵

The Coast Guard’s concept of “pushing out the borders” is an operational concept to defeat threats to the homeland as far from our shores as possible and a critical component of the maritime homeland security strategy.⁴⁶ Homeland security must begin overseas. To safeguard the homeland, Admiral Collins, Commandant of the U.S. Coast Guard, says we must work “with the IMO [International Monetary Organization] and foreign governments, we will seek to identify cargoes loaded in foreign ports and destined for the United States, to maintain good in-transit monitoring and to avoid a maritime-security shell game.”⁴⁷ Fortunately, these are areas where the Customs Service and Naval Intelligence support to operations is mature.

Since the end of Operation DESERT STORM, U.S. Central Command (CENTCOM) has been enforcing United Nations economic sanctions against Iraq. The Navy, Coast Guard, and a host of coalition partners have conducted Maritime Interception Operations (MIO) to ensure Iraqi compliance with U. N. resolutions. The MIO mission has grown into a complex

⁴³*MSHS*, 32.

⁴⁴*Ibid*, 38.

⁴⁵*NSS*, 6.

⁴⁶Patrick M. Stillman, "Coast Guard's Future Depends on Deepwater," *National Defense*, 86(March 2002), 16.

multi-national, joint operation conducted throughout the theater. Following the September 11th attacks, the MIO mission expanded both geographically and in intensity to support Operation ENDURING FREEDOM and the terror war. Leadership Interdiction Operations (LIO)—specifically targeting the movement of terrorists via the seas—was also added during the beginning phases on ENDURING FREEDOM to intercept al Qa’ida and Taliban fighters fleeing Afghanistan. U.S. European Command (EUCOM) also began coalition MIO operations in the Mediterranean as part of Operation ENDURING FREEDOM. Both missions continue even as coalition forces conclude hostilities in the latest phase of the terror campaign.

These interdiction tasks represent forward deployed maritime security in direct support to maritime homeland security. One of the most important contributions of the around-the-clock operations is intelligence and information gathering. Though no interception missions are currently performed solely for information gathering, most challenges and boardings bear no other fruit.

Continued security cooperation remains a key component to a proactive “forward” homeland defense. Just as joint interagency cooperation is a domestic imperative, intelligence and law enforcement cooperation with foreign governments is essential to push out the maritime borders and to the success of the war on terror.⁴⁸ Building coalitions for intelligence and information sharing and foreign liaison by CIA, Treasury, Customs Service and others is vital to U.S. counterterrorism efforts. Relationships with foreign counterparts provide a significant contribution to the operational commander. Most of the intelligence the U.S. obtains on international terrorism comes via foreign intelligence, law enforcement, and

⁴⁷Collins, 35.

internal security services. The dependence on relationships with foreign partners becomes even more important when the task is not merely collection, but also pre-emptive defensive action.⁴⁹ President Bush insists that we “...further leverage regional relationships, by ensuring appropriate allied participation with the regional Combatant Commanders as they prosecute the war on terrorism.”⁵⁰

Conclusion

The overall intelligence support to maritime homeland security is in better shape than some components, but requires improvement. Intelligence as a whole will not adequately support any mission as long as fundamental IC problems exist. Fixing the intelligence community is outside the scope of this essay, but intelligence effectiveness at any level and in any mission area is dependent on improvements to the greater IC⁵¹.

Strength of maritime intelligence is its very mature structure for analyzing global maritime traffic. The analysts at the National Maritime Intelligence Center⁵² have focused on this problem throughout the cold war and have continued to expand their expertise and sources by teaming with industry, coalition partners, and other U.S. government agencies.⁵³ Maritime intelligence also benefits from an already close relationship between Navy, Coast Guard, and the Customs Service. The integration of these last two organizations (and the Immigration and Naturalization Service) into the Department of Homeland Security will improve overall interagency coordination of the maritime security problem.

⁴⁸James M. Loy, “The Role of the Coast Guard in Homeland Security” Lecture (Washington, DC: Heritage Foundation December 17, 2001), 5.

⁴⁹ Pillar, 118-19.

⁵⁰ *NSCT*, 17.

⁵¹For further reading in this area see: *IC21*; Hart-Rudman Commission; Mark M. Lowenthal, *Intelligence from Secrets to Policy*, 2nd Ed. (Washington, DC: CQ Press 2003), and; William E. Odom, *Fixing Intelligence for a More Secure America* (New Haven: Yale University 2003).

⁵²Home to the Office of Naval Intelligence, Coast Guard’s Intelligence Coordination Center, and a detachment from the Marine Corp Intelligence Agency.

The tragedy of the USS *Cole* attack in October 2002 launched Navy (NCIS and theater intelligence) and Coast Guard (helping create/improve host nation maritime force protection efforts in Yemen) on a course that the rest of law enforcement and intelligence would join in earnest following the September 11th attacks almost a year later. America may not have reacted to the USS *Cole* bombing the way al-Qa'ida had envisioned, but the attack did galvanize the maritime community, particularly maritime intelligence.

Increased Coast Guard force structure, their focus on MDA, and their inclusion into the IC are all positive steps and will improve maritime intelligence in the years to come. Finally, the hallmark of Navy Intelligence has always been all-source intelligence in direct support of (major) operations and operation forces (tactical level). The doctrine of operationally focused intelligence support ensures an emphasis on the operational & tactical levels vice the strategic. An operational intelligence focus functioning within a joint interagency structure is well positioned to support to global maritime security operations.

Proper intelligence support to the homeland security mission requires recognition that the asymmetric security threat posed by terrorists and other non-state actors is not the same as that posed, for example, by the military capability of North Korea. Yet the bulk of our operational-level intelligence effort is in the traditional geographic combatant commands. We must harness this intelligence apparatus to provide robust homeland security—supporting the action in the rear as opposed to the “front.”

Recommendations

- To take best advantage of the intelligence and law enforcement “stovepipes,” intelligence support at each level of war should follow the combined, joint, interagency

⁵³See Appendix B for a list of some of the post 9/11 activities of the maritime intelligence team.

model. Task organizing intelligence resources and tying them closely with operations is the best model available under current circumstances.

- Naval Criminal Investigative Service (NCIS) should be re-subordinated to the Director of Naval Intelligence. The current arrangement in which NCIS answers to the Secretary of Navy distances NCIS from operations and does not provide unity of effort for support at the operational level.

- DOD should continue to review applicable statutes, regulations, and policies with a view toward asking for legislation that would ensure the freedom of action and unity of effort to achieve mission success. The DOD, owner of the majority of the nation's intelligence assets, needs to shape an intelligence service responsive to the homeland security mission. While more dedicated intelligence support is needed, DOD is just beginning to decide how to best use intelligence in support of homeland security. According to reports from the Pentagon, ensuring military operators get the information they need is the sole mission of the new undersecretary of defense for intelligence. For example, recent experiments within DOD's human intelligence (HUMINT) program have arguably weakened the efforts against all military service-specific requirements. The 1990's efficiency and cost saving reorganization of the defense HUMINT program left maritime collection weakened and under resourced, vastly reducing its effectiveness. Success to countering maritime threats to our homeland depends on a reinvigoration of our ability to develop human source intelligence in the littorals of foreign countries.

- The intelligence effort in support of maritime homeland security must be global. For intelligence (and MDA) purposes, all Unified Commands should be supporting commands to the homeland security mission. The law enforcement focus of the counterterrorism mission

should shift to an intelligence focus. Naval Intelligence must continue to expand its bilateral relationships with littoral countries to share intelligence about maritime traffic and terrorism.

- The intelligence community must relearn the indications and warning (I&W) function and apply it to modern asymmetric threats. Despite the stateless nature of the threat, many of the geographic indicators will come from those “havens” where terrorist cells operate. To be effective, the operational focus overseas must shift from primarily one of support to policy and military operations (reactive) to force protection, I&W, and defeating terrorists threats before their onset (proactive).

- As lead for Maritime Homeland Security, Coast Guard should continue to partner with U.S Customs and Naval Intelligence for MDA. Coast Guard’s current strength and experience is law enforcement. Their Customs partnership will help increase the amount of data on cargo and containers that is at the nexus of the shipping security problem. The Naval Intelligence partnership leverages the relative domestic and foreign intelligence strengths of both organizations.

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Appendix A: Initiatives to Increase Maritime Domain Awareness*

Strategic Element: Increase Maritime Domain Awareness.

Near Term Initiatives:

- Establish Maritime Intelligence Fusion Center at each (Coast Guard) Area to leverage interagency information sharing.
- Co-Chair with Navy a Joint Maritime Surveillance Working Group.
- Install SIPRNET (Secret Internet Protocol Router Network) at each COTP (Captain of the Port) and Group.
- Install GCCS (Global Command and Control System, the primary DOD C2 System) in all command centers.
- Expand sensor capability with Rescue-21, PAWSS (Ports and Waterways Safety System), Deepwater[^], and state-of-the-art port surveillance system.

*Derived from U.S. Coast Guard's *Maritime Strategy for Homeland Security* (Washington, DC: December 2002), 25-26

[^]The Integrated Deepwater System (IDS) contract (the largest acquisition in the history of the Coast Guard) was awarded to Integrated Coast Guard Systems (ICGS), a joint venture established by Lockheed Martin and Northrop Grumman. The Deepwater contract has the potential to extend up to 30 years, with an approximate value of \$17 billion. At full implementation, the interoperable ICGS system comprises three classes of new cutters and their associated small boats, a new fixed-wing manned aircraft fleet, a combination of new and upgraded helicopters, and both cutter-based and land-based unmanned air vehicles (UAVs). All of these highly capable assets are linked with Command, Control, Communications and Computers, Intelligence, Surveillance and Reconnaissance (C4ISR) systems, and are supported by an integrated logistics regime. Source: USCG Web Site dated 10 April, 2003. <<http://www.uscg.mil/Deepwater/#>> [4 May 2003]

Appendix B: Maritime Intelligence Support: War on Terror & Homeland Security, Examples from September 11, 2001 and February 6, 2002*

- The Treasury Department played a major role in targeting and dismantling terrorist financial networks through such mechanisms as the inter-agency Foreign Terrorist Asset Tracking group, the international Financial Action Task Force, and others. Treasury's Operation GREEN QUEST, which drew upon the expertise of the US Customs Service (USCS), the Internal Revenue Service, the Secret Service, the FBI, and other agencies including the CIA, investigated terrorist financing. Treasury's Office of International Affairs worked with other countries to maintain and expand international efforts to choke off terrorist funds. The Office of Foreign Assets Control worked with other federal, state, local and international entities to implement a strong regime of blocking actions, fund freezes, and other initiatives to derail terrorist financing structures.
- The Office of Naval Intelligence (ONI) conducted all-source analysis on al-Qa'ida maritime logistics networks in the Middle East, East Africa, and the Mediterranean and developed extensive intelligence on the companies, ships, individuals, organizations, and infrastructure involved in legitimate and illicit maritime activities. A wide range of products was published on terrorist-related shipping, including the daily locations of ships suspected of supporting terrorist groups. DIA, as the Intelligence Community lead for document exploitation, in collaboration with CIA, NSA, and FBI, established an Intelligence Community Document Exploitation Center as the primary exploitation node outside the Afghan theater of operations for all captured documents related to the Global War on Terrorism. The center has the capability to scan, screen, and process high volumes of original documents as well as those copied from magnetic media.
- DIA, as the Intelligence Community lead for document exploitation, in collaboration with CIA, NSA, and FBI, established an Intelligence Community Document Exploitation Center as the primary exploitation node outside the Afghan theater of operations for all captured documents related to the Global War on Terrorism. The center has the capability to scan, screen, and process high volumes of original documents as well as those copied from magnetic media.
- ONI began assessing the probability of terrorists using ships as a means of delivering WMD that could be detonated or designed to release toxic chemicals or biological agents. ONI evaluated over 40 hazardous chemicals identified by the US Coast Guard (USCG) to determine their potential for explosion, fire, or toxic release. Based on a model developed by ONI, the Coast Guard can quickly evaluate the threat posed by these chemicals and has taken increased precautions prior to permitting ships containing hazardous materials to enter US ports.
- Over 1,000 Navy Reserve intelligence personnel were mobilized for active participation in the war on terrorism. Mobilized Navy Reserve Intelligence personnel who are skilled

*George J. Tenet, "Statement," U.S. Congress, Senate, Select Committee on Intelligence, *Support to the War on Terrorism and Homeland Security: Testimony before the Select Committee on Intelligence*, 107th Cong., 2nd sess. (Washington, DC: Inside Washington, February 6, 2002).

in analysis of merchant marine shipping activities provided valuable support to US port and harbor security operations. Additionally, many analysts provided direct intelligence support to border patrol efforts, counter drug operations, and counterterrorism activities.

- The USCG Intelligence Program provided the Joint Interagency Task Force—Counterterrorism (JITF-CT) a dedicated maritime threat analysis cell that supports Homeland Security. As the JITF-CT maritime security element, this cell researched, analyzed, and produced finished intelligence products addressing maritime-related threats of concern to US intelligence and law enforcement officials.
- The USCG Intelligence Program, DIA, and NIMA are enhancing situational awareness of the Captains of the Port (the senior Coast Guard officers assigned to US ports) with commercial high-resolution satellite imagery of maritime areas of interest.